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	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
	09/782,314	02/14/2001	Robert Buckingham	PA-159-A	2443	
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MEREK & VOORHEES				EXAMINER		
	643-B South Washington Street Alexandria, VA 22314			PADEN, CA		
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				DATE MAILED: 01/13/2003		
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Please find below and/or attached an Office communication concerning this application or proceeding.

Applicant(s) Office Action Summary Office Action Summary - The MAILING DATE of this c mmunication app are on the cover sheet with the correspondence address - Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the period for reply specified above is less than this fy (30) days, a reply whithin the statisticiny minimum of thin (30) days will be considered timely. If the period for reply specified above is less than this fy (30) days, a reply whithin the statisticiny minimum of thin (30) days will be considered timely. If the period for reply specified above is less than this fy (30) days, a reply which the statisticing minimum of thin (30) days will be considered timely. If the period for reply specified above is less than this fy (30) days, a reply which the statisticing minimum of thin (30) days will be considered timely. If the period for reply specified above is less than this fy (30) days, a reply which the statisticing minimum of thin (30) days will be considered timely. A short first in minimum of the statistic minimum of thin (30) days will be considered timely. A period for reply specified then the me contile with the mailing date of this communication, even if limitly field, may reduce any statistic minimum of the mailing date of this communication, even if limitly field, may reduce any statistic manufacture and statistic manufacture. A period for Repty of the mailing date of the communication, even if limitly field, may reduce any statistic manufacture. A period for Repty of the mailing date of the communication. A period for Repty of the mailing date of the communication. A policial manufacture of the manufacture of the communication of the manufacture of the priod date of the communication. A policial manufacture of the date of the communication of the priod date of the communication of the co					(0)
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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-5 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giglio.

The rejections have been modified in response to applicants arguments in Paper 3. Giglio discloses a process for packaging coffee. The abstract indicates that the packaged coffee is ground and formed into a flexible or semi-rigid container that is preliminarily filled with gas. The apparatus at figure 1 further shows the overall process stations. At column 3, lines 7-10 the concept of introducing nitrogen or carbon dioxide into the process is shown. The concept of processing beans, rather than ground coffee, is shown at column 2, lines 38-39. The claims appear to differ from the reference in the recitation that the coffee is ground directly into the container. Goglio delivers the coffee to the container with minimal delay (see figure 1 and column 2, lines 61-67). Duct 4, in Goglio, appears to connect the grinding station with the packaging station. It would have been obvious to one of ordinary skill in the art to directly grind the coffee of

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Goglio into a packaging contain in order to minimize the loss of volatiles in the coffee product. Although Goglio does not expressly teach the short distance between the grind and packaging of the product, it would have been obvious to provide for such a design, especially with confronted with the facts about the loss of flavor in the product. The fact that the reference did not show this work place design is not alone seen to constitute unobviousness because the high cost of remodeling food process operations.

Claims 7-12 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goglio as applied to claims 2-5 above, and further in view of Hibi.

The claims appear to differ from the reference in the additional step of roasting the coffee beans. Hibi teaches roasting beans prior to grinding or packaging them (see column 1, lines 10-37). Hibi also teaches that quick cooling of the roasted beans in nitrogen or other inert gas acts to maintain flavor in the beans (column 18,lines 26-29). Although the reference does not show a processing model with the roaster in direct contact with the packaging unit, it would have been obvious to provide for a minimal space between roasting and packaging in order to maximize the

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flavor of the coffee. The fact that the references to not actually show this feature merely reflect a modification of a system that is already in place.

CAROLYN PADEN 1-10-03 PRIMARY EXAMINER GROUP 1300 1761